

THE LAW OFFICE OF JOHN A. FIALCOWITZ, LLC

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Local Counsel for Official Committee of Asbestos Claimants

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

DURO DYNE NATIONAL CORP., *et al.*¹

Debtors.

Chapter 11

Case No. 18-27963 MBK
(jointly administered)

**NOTICE OF SEVENTH INTERIM AND FINAL FEE APPLICATION OF THE LAW
OFFICE OF JOHN A. FIALCOWITZ, LLC AS LOCAL COUNSEL TO THE OFFICIAL
COMMITTEE OF ASBESTOS CLAIMANTS FOR ALLOWANCE OF
COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF
EXPENSES INCURRED FROM (I) AUGUST 1, 2020 THROUGH DECEMBER 31, 2020
AND (II) SEPTEMBER 26, 2018 THROUGH DECEMBER 31, 2020**

PLEASE TAKE NOTICE that on **February 25, 2021 at 10:00a.m. (Eastern Time)**, or as soon thereafter as counsel may be heard, the Law Office of John A. Fialcowitz, LLC (“Fialcowitz”), local counsel to the Official Committee of Asbestos Claimants, shall move before the Honorable Michael B. Kaplan at the United States Bankruptcy Court, 402 East State Street, Trenton, New Jersey, Courtroom No. 8, for an order granting Fialcowitz’s seventh and final

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

interim fee application for compensation in the sum of \$97,435.00 and reimbursement of expenses in the sum of \$3,725.68 for the period of September 26, 2018 through December 31, 2020 (the "Application").

PLEASE TAKE FURHTER NOTICE that Fialcowitz shall rely upon the Application. No brief is necessary as no novel issues of fact or law are presented by the Application. A proposed form of Order has been submitted therewith. Oral argument is requested in the event an objection is timely filed.

PLEASE TAKE FURHTER NOTICE that objections, if any, to the Application shall confirm with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules, and shall be filed with the Bankruptcy Court, and pursuant to Local Bankruptcy Rule 9013-1(d), shall be served upon the undersigned **so as to be received no later than February 18, 2021 at 4:00 p.m. (Eastern Time)**. In the event that no objections are filed, the relief requested in the Application may be granted without a hearing.

Dated: January 21, 2021

Respectfully submitted,

**THE LAW OFFICE OF JOHN A.
FIALCOWITZ, LLC**

By: /s/ John A. Fialcowitz
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Local Counsel for Official Committee of Asbestos Claimants

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

DURO DYNE NATIONAL CORP., *et al.*¹
Debtors.

Chapter 11

Case No. 18-27963 MBK
(jointly administered)

**SEVENTH INTERIM AND FINAL FEE APPLICATION OF THE LAW OFFICE OF
JOHN A. FIALCOWITZ, LLC AS LOCAL COUNSEL TO THE OFFICIAL
COMMITTEE OF ASBESTOS CLAIMANTS FOR ALLOWANCE OF
FEES AND REIMBURSEMENT OF EXPENSES**

TO: HONORABLE MICHAEL B. KAPLAN
UNITED STATES BANKRUPTCY JUDGE

The Law Office of John A. Fialcowitz, LLC (“Fialcowitz”) submits this narrative of services pursuant to LBR 2016-1(a)(2)(D) and in support of its seventh interim and final fee application as local counsel for the Official Committee of Asbestos Claimants (“the Committee”) for allowance of compensation and reimbursement of expenses (i) in the amount of \$7,897.50 for the interim period from August 1, 2020 through December 31, 2020 (the “Interim Period”) and (ii)

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

in the amount of \$97,435.00 and reimbursement of costs incurred in the sum of \$3,725.68 for the final period from September 26, 2018 through December 31, 2020 (the “Final Period”).

I. Introduction.

1. On September 7, 2018 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code, commencing the above-captioned chapter 11 cases in this Court.

2. Effective September 26, 2018, the Office of the United States Trustee appointed the Committee pursuant to Section 1102 of the Bankruptcy Code.

3. On September 27, 2018, the Committee selected me to act as its local counsel in this case.

4. By Order dated November 8, 2018, the Court granted the Committee’s application to retain my firm and I to serve as its local counsel in this case, effective as of the Petition Date (Docket No. 257). Attached to the Fee Application Cover Sheet as **Exhibit A** is the Order authorizing the Committee to retain my law firm.

5. On November 15, 2018, the Court entered the *Administrative Fee Order Establishing Certain Procedures for Allowance Of Interim Compensation and Reimbursement of Expenses of Processionals Retained By Order of This Court* (the “Interim Compensation Order”)(Docket. No. 345).

6. On December 29, 2020, the Court entered its *Order Closing Chapter 11 Cases Effective December 31, 2020 and Directing Entry of Final Decree* (Docket No. 1357).

7. I seek an allowance of fees for services performed on behalf of the Committee for the Interim Period and the Final Period.

8. I charge for my local counsel services at an hourly rate of \$325 per hour

II. The Interim Period.

9. During the Interim Period, I performed a variety of legal services in connection with this matter including, but not limited to, the following:

10. ***Litigation Services (Total Hours: 2.7; Total Fees: \$877.50).*** I performed litigation-related services during the Application Period.

11. First, LBR 9010-b(4) states that “[o]nly local counsel, and not the attorney admitted *pro hac vice*, may file papers, enter appearances, and receive notices and service of papers.” Consistent with my obligations as the Committee’s local counsel, I reviewed and filed all of the Committee’s submissions during the Interim Period.

12. Second, I also reviewed and updated the Caplin & Drysdale attorneys regarding the Bankruptcy and District Court’s orders during the Interim Period and ensured that all attorneys from the Caplin and Gilbert firms who the Court admitted *pro hac vice* met their registration requirements.

13. ***Fee Applications -- Self (Total Hours: 11.3; Total Fees: \$3,672.50).*** I prepared and filed my twenty-second, twenty-third, twenty-fourth, twenty-fifth and twenty-sixth monthly fee statements, as well as my sixth and seventh interim and final applications for compensation.

14. ***Fee Applications --Other (Total Hours 10.3; Total Fees: \$3,347.50).*** I reviewed and filed the monthly fee statements for Caplin & Drysdale, Chartered, Gilbert LLP and Charter Oak Financial Consultants, LLC, as well as their sixth and seventh interim and final applications for compensation.

III. Detail of Hours Expended During Interim Period.

15. Attached as **Exhibits B** and **C** to the Fee Application Cover Sheet are my invoices that detail the time that I spent on this matter during the Interim Period.

16. As shown on the attached invoices, I devoted 24.3 hours to this matter during the Interim Period, which services have a value of \$7,897.50.

17. By this Application, I request that the Court approve payment of one-hundred percent (100%) of the fees and expenses that I incurred during the Interim Period.

IV. The Final Period.

18. I also seek an allowance of fees for services performed during the Final Period for the benefit of the Committee in the amount of \$97,435.00 and reimbursement for actual out-of-pocket expenses incurred in the amount of \$3,725.68.

19. I attach my Declaration in further support of this Application at **Exhibit D**.

WHEREFORE, I respectfully request that the Court enter an order substantially in the form attached hereto as **Exhibit E**:

(a) granting my request for compensation in the amount of \$7,897.50 for the Interim Period; and

(b) granting my request for compensation in the amount of \$97,435.00 and reimbursement for actual out-of-pocket expenses incurred in the amount of \$3,725.68 for the Final Period.

Dated: January 21, 2021

Respectfully submitted,

**THE LAW OFFICE OF JOHN A.
FIALCOWITZ, LLC**

By: /s/ John A. Fialcowitz

John A. Fialcowitz

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*Local Counsel for Official Committee of Asbestos
Claimants*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

Debtor: Duro Dyne National Corp., et al.¹ Applicant: The Law Office of John A. Fialcowitz, LLC
Case No.: 18-27963 (MBK) Client: Official Committee of Asbestos Claimants
Chapter: 11 Case Filed: September 7, 2018

RETENTION ORDER (S) ATTACHED AS EXHIBIT A

**SEVENTH INTERIM AND FINAL APPLICATION OF THE LAW OFFICE OF
JOHN A. FIALCOWITZ, LLC FOR (I) THE PERIOD FROM
AUGUST 1, 2020 THROUGH DECEMBER 31, 2020 AND (II)
FROM SEPTEMBER 26, 2018 THROUGH DECEMBER 31, 2020**

**SECTION I
FEE SUMMARY**

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUS FEES REQUESTED	\$94,347.50	\$3,725.68
TOTAL FEES ALLOWED TO DATE:	\$89,537.50	\$3,725.68
TOTAL RETAINER REMAINING (IF APPLICABLE)	N/A	N/A
TOTAL PREVIOUS HOLDBACK (IF APPLICABLE)	N/A	N/A
TOTAL RECEIVED	\$90,538.00	\$3,725.68
FEE TOTALS	\$97,435.00 ²	
DISBURSEMENTS TOTALS	+\$3,725.68	
TOTAL FEE APPLICATION	\$101,160.68	

¹ The “Debtors” in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are Duro Dyne National Corp. (4664), Duro Dyne Machinery Corp. (9699), Duro Dyne Corporation (3616), Duro Dyne West Corp. (5943), and Duro Dyne Midwest Corp. (4662).

² This amount includes \$3,087.50 in fees incurred after November 30, 2020 in connection with the preparation, review and filing of monthly fee statements and seventh interim and final fee applications. See Exhibit C.

NAME OF PROFESSIONAL & TITLE	YEAR ADMITTED	HOURS	RATE	FEE
John A. Fialcowitz	1995	299.80	\$325.00	\$97,435.00
TOTAL FEES				\$97,435.00

**SECTION II
SUMMARY OF SERVICES – THIS PERIOD**

SERVICES RENDERED	HOURS	FEE
Asset Analysis and Recovery		
Business Operations		
Case Administration		
Claims Administration and Objections		
Fee Applications – Self	11.3	\$3,672.50
Financing		
Litigation	2.7	\$877.50
Plan and Disclosure Statement		
Relief from Stay Proceedings		
Tax Issues		
Committee Meetings/Conferences		
Travel Time		
Docket Review & File Maintenance		
Fee Applications – Others	10.3	\$3,347.50
Retention Applications – Others		
Retention Applications – Self		
Review Fee Application – Other Parties		
SERVICE TOTALS:	24.3	\$7,897.50

SUMMARY OF SERVICES – FINAL PERIOD

SERVICES RENDERED	HOURS	FEE
Asset Analysis and Recovery		
Business Operations		
Case Administration		
Claims Administration and Objections	22.7	\$7,377.50
Fee Applications – Self	57.1	\$18,557.50
Financing		
Litigation	124.3	\$40,397.50
Plan and Disclosure Statement	8.5	\$2,762.50
Relief from Stay Proceedings		
Tax Issues		
Committee Meetings/Conferences	4.1	\$1,332.50
Travel Time	17.4	\$5,655.00
Docket Review & File Maintenance	.5	\$162.50
Fee Applications – Others	65.2	\$21,190.00
Retention Applications – Others		
Retention Applications – Self		
Review Fee Application – Other Parties		
SERVICE TOTALS:	299.8	\$97,435.00

SECTION III
SUMMARY OF DISBURSEMENTS – FINAL PERIOD

DISBURSEMENTS	AMOUNT
Computer Assisted Legal Research	
Conference Call Charges	\$270.00
Courier & Express Carriers	
Court Reporting	
Fax	
Filing Fees	\$1960.00
Other Research	
Pacer Fees	\$317.60
Postage	
Reproduction Services – In-house	
Reproduction Services – Outside	\$766.08
Travel	\$50.00
Other (specify): <i>Pro Hac Vice Fees</i>	\$362.00
DISBURSEMENTS TOTALS:	\$3,725.68

**SECTION IV
CASE HISTORY**

(NOTE: Items 3 – 6 are not applicable to applications under 11 U.S.C. § 506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 8, 2018, effective as of September 27, 2018 [Docket No. 257]. See Order attached as Exhibit A.
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:
 - (a) LBR9010-b(4) states that “[o]nly local counsel, and not the attorney admitted *pro hac vice*, may file papers, enter appearances, and receive notices and service of papers.” Consistent with my obligations as the Committee’s local counsel, I reviewed and filed all of the Committee’s submissions during the Application Period;
 - (b) Fialcowitz prepared and filed his twenty-second, twenty-third, twenty-fourth, twenty-fifth and twenty-sixth monthly fee statements, as well as his sixth and seventh interim and final applications for compensation;
 - (c) Fialcowitz assisted in the preparation, review and filing of the monthly fee statements for other Committee professionals, as well as their sixth and seventh interim and final applications for compensation; and
 - (d) Fialcowitz performed other professional services as counsel for the Committee as necessary and appropriate in these chapter 11 cases.
- (5) ANTICIPATED DISTRIBUTION TO CREDITORS:
 - (A) ADMINISTRATION EXPENSES: (unknown at this time)
 - (B) SECURED CREDITORS: (unknown at this time)
 - (C) PRIORITY CREDITORS: (unknown at this time)
 - (D) GENERAL UNSECURITED CREDITORS: (unknown at this time)

I certify under penalty of perjury that the above is true.

Dated: January 21, 2021

Respectfully submitted,

**THE LAW OFFICE OF JOHN A.
FIALCOWITZ, LLC**

By: /s/ John A. Fialcowitz

John A. Fialcowitz

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Morristown, NJ 07960

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EXHIBIT A



Order Filed on November 8, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

**THE LAW OFFICE OF
JOHN A. FIALCOWITZ, LLC**
John Fialcowitz (JF-0752)
89 Headquarters Plaza North, Suite 1216
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973.532.7208
john@fialcowitzlaw.com
*Proposed Co-Counsel for the
Official Committee of Asbestos Claimants*

In re:

Duro Dyne National Corp., *et al.* ¹

Chapter 11

Case No. 18-27963 (MBK)

Jointly Administered

**ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF THE LAW
OFFICE OF JOHN A. FIALCOWITZ, LLC AS CO-COUNSEL TO
THE OFFICIAL COMMITTEE OF ASBESTOS CLAIMANTS**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: November 8, 2018


Honorable Michael B. Kaplan
United States Bankruptcy Judge

Page: 2

Debtor: Duro Dyne National Corp., et al., et al.

Case No.: 18-27963 (MBK)

Caption: Order Authorizing the Employment and Retention of John A. Fialcowitz, LLC as Co-Counsel to the Official Committee of Asbestos Claimants

Upon consideration of the application (the "Application") of the Official Committee of Asbestos Claimants (the "Committee") for entry of an order authorizing the employment and retention of the Law Office of John A. Fialcowitz, LLC ("Fialcowitz") as co-counsel to the Committee, effective as of the Petition Date (September 7, 2018), and upon consideration of the Fialcowitz Declaration submitted in support of the Application; and the Court being satisfied, based on representations made in the Application that (i) Fialcowitz does not represent any person or entity having an interest adverse to the Committee or to the asbestos-related creditors of the Debtors' estates in connection with the matters for which the Committee proposes to employ Fialcowitz, (ii) Fialcowitz is a "disinterested person" pursuant to sections 101(14) and 328(c) of the Bankruptcy Code, (iii) proper and adequate notice of the Application has been given and no other or further notice is necessary, and (iv) Fialcowitz's employment is necessary and in the best interest of the Committee; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §157 and §1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey dated September 18, 2012 (Simandle, C.J.);

IT IS HEREBY ORDERED THAT:

1. The Application is **GRANTED** as set forth herein.
2. The Committee is authorized to employ and retain Fialcowitz, effective as of the Petition Date, to serve as co-counsel to the Committee in these Chapter 11 cases.
3. Fialcowitz shall be compensated in accordance with sections 330 and 331 of the Bankruptcy Code, the applicable provisions of the Bankruptcy Rules, the Local Rules, and any

Page: 3

Debtor: Duro Dyne National Corp., et al., *et al.*

Case No.: 18-27963 (MBK)

Caption: Order Authorizing the Employment and Retention of John A. Fialcowitz, LLC as Co-Counsel to the Official Committee of Asbestos Claimants

order entered in this case governing professional compensation and reimbursement for services rendered and charges and disbursements incurred.

4. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Application or is otherwise waived.

5. The Committee is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

6. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation and enforcement of the Order.

EXHIBIT B

DURO DYNE NATIONAL CORP.

**Services and Disbursements Related to Serving as Local Counsel to the
Official Committee of Asbestos Claimants
August 1, 2020 through August 31, 2020**

<u>Description of Services</u>	<u>Time</u>	<u>Charge</u>
Review and file Caplin & Drysdale, Chartered certificate of no objection for monthly fee statement (8/4/20)	.3	\$97.50
Prepare and file certificate of no objection for Gilbert, LLC monthly fee statements (8/4/20)	.4	\$130.00
Prepare and file certificate of no objection for Fialcowitz monthly fee statement (8/4/20)	.4	\$130.00
Draft e-mail to JW at Caplin firm re: coordinating interim fee applications (8/24/20)	.1	\$32.50
Preparation of monthly fee statement (8/25/20)	1.0	\$325.00
Review and file Caplin & Drysdale, Chartered monthly fee statement (8/25/20)	.4	\$130.00
Review and respond to inquiry of PH of Gilbert re: timing of interim fee application (8/31/20)	<u>.1</u> 2.7	<u>\$32.50</u> \$877.50
Total amount due this invoice		\$877.50

DURO DYNE NATIONAL CORP.

**Services and Disbursements Related to Serving as Local Counsel to the
Official Committee of Asbestos Claimants
September 1, 2020 through September 30, 2020**

<u>Description of Services</u>	<u>Time</u>	<u>Charge</u>
Review and filing of Caplin & Drysdale sixth interim fee application (9/4/20)	.4	\$130.00
Preparation of sixth interim fee application (9/7/20)	1.4	\$487.50
Review and file Gilbert's sixth interim fee application (9/8/20)	.4	\$130.00
Review and file Caplin & Drysdale certification of no objection for its 21 st monthly fee statement (9/8/20)	.3	\$97.50
Preparation and filing of certification of no objection for Fialcowitz 21 st monthly fee statement (9/9/20)	.2	\$65.00
Draft and file certification of service (9/9/20)	.2	\$65.00
Review J. Prol e-mail re: amended filing (9/14/20)	.1	\$32.50
Draft e-mail to Gilbert and Caplin re: reminder on monthly fee statements (9/22/20)	.1	\$32.50
Preparation/filing of twenty-second monthly fee statement (9/24/20)	1.1	\$357.50
Review and file Gilbert's monthly fee statement (9/25/20)	.3	\$97.50
Review and file Caplin & Drysdale monthly fee statement (9/25/20)	.3	\$97.50
Prepare and file certification of service (9/25/20)	.2	\$65.00

<u>Description of Services (continued)</u>	<u>Time</u>	<u>Charge</u>
Review Notice of revised exhibits to Third Amended Plan (9/29/20)	.2	\$65.00
Review Notice of revised Amended Report and Recommendations (9/29/20)	.2	\$65.00
Draft e-mail to Caplin team to see if I am authorized to consent to electronic signature (9/29/20)	.1	\$32.50
Draft e-mail to J. Prol re: consent to electronic signature (9/29/20)	.1	\$32.50
Review notice from the Court on adjournment of interim fee application hearing date (9/29/20)	.1	\$32.50
Review J. Liesemer's e-mail re: Committee signoff to filings (9/30/20)	.1	\$32.50
	5.8	\$1,885.00
Total amount due this invoice		\$1,885.00

DURO DYNE NATIONAL CORP.

**Services and Disbursements Related to Serving as Local Counsel to the
Official Committee of Asbestos Claimants
October 1, 2020 through October 31, 2020**

<u>Description of Services</u>	<u>Time</u>	<u>Charge</u>
Review and respond to P. Holland of Gilbert's e-mail re: status of interim fee application (10/8/20)	.1	\$32.50
Draft e-mail to Cecilia at Caplin firm re: certification of no objection on last monthly fee statements (10/8/20)	.1	\$32.50
Prepare and file Fialcowitz certification of no objection (10/8/20)	.3	\$97.50
Prepare and file Gilbert certification of no objection (10/8/20)	.3	\$97.50
Review court notices on interim fee applications (10/9/20)	.1	\$32.50
Review and file Caplin & Drysdale certification of no objection on monthly fee application (10/9/20)	.3	\$97.50
Review order transferring case to District Court; update Caplin team (10/16/20)	.1	\$32.50
Review Bankruptcy Court/District Court Order re: amended findings of fact (10/17/20)	.1	\$32.50
Review and file Gilbert monthly fee statement (10/20/20)	.4	\$130.00
Prepare monthly fee statement (10/20/20)	1.0	\$325.00
Draft e-mail to Diane Clausen of Lowenstein re: inquiry on the status of Caplin and other interim fee applications (10/23/20)	.1	\$32.50

<u>Description of Services (continued)</u>	<u>Time</u>	<u>Charge</u>
Review court notification of order granting Caplin interim fee application; update Caplin team (10/23/20)	.1	\$32.50
Review and file Caplin monthly fee statement (10/23/20)	.3	\$97.50
Review entered order re: confirmation of plan; update Caplin team (10/26/20)	<u>.2</u> 3.5	<u>\$65.00</u> \$1,137.50
Total amount due this invoice		\$1,137.50

DURO DYNE NATIONAL CORP.

**Services and Disbursements Related to Serving as Local Counsel to the
Official Committee of Asbestos Claimants
November 1, 2020 through November 30, 2020**

<u>Description of Services</u>	<u>Time</u>	<u>Charge</u>
Review and file Caplin certification of no objection (11/3/20)	.3	\$97.50
Prepare and file Gilbert certification of no objection (11/3/20)	.3	\$97.50
Prepare and file Fialcowitz certification of no objection (11/3/20)	.3	\$97.50
Review court notice re: final fee applications; draft e-mail to Jim and Jeff re: final fee application timing (11/9/20)	.1	\$32.50
Draft e-mail to P. Holland of Gilbert re: final fee applications (11/9/20)	.1	\$32.50
Review e-mail from Lowenstein re: final fee application; update Caplin (11/10/20)	.1	\$32.50
Prepare monthly fee statement (11/23/20)	1.0	\$325.00
Review and respond to Gilbert e-mail re: monthly fee statement (11/25/20)	.1	\$32.50
Review and file Caplin monthly fee statement (11/25/20)	.3	\$97.50
Preparation and filing of certification of service (11/30/20)	.2	<u>\$65.00</u> \$910.00
Total amount due this invoice		\$910.00

EXHIBIT C

DURO DYNE NATIONAL CORP.

**Services and Disbursements Related to Serving as Local Counsel to the
Official Committee of Asbestos Claimants
December 1, 2020 through December 31, 2020**

<u>Description of Services</u>	<u>Time</u>	<u>Charge</u>
Draft e-mail to Diane C. at LS re: final fee applications (12//20)	.1	\$32.50
Draft e-mail to CG at Caplin re: final fee application and certification of no objection (12/8/20)	.1	\$32.50
Review debtor's motion for an order declaring case closed as of 12/31/20 (12/8/20)	.2	\$65.00
Review court notice; update Caplin team (12/10/20)	.1	\$32.50
Draft follow up e-mail to Caplin for certification of no objection (12/10/20)	.1	\$32.50
Draft certification of no objection for last monthly fee statement (12/11/20)	.3	\$97.50
Review and file Gilbert's 23 rd monthly fee statement (12/18/20)	.4	\$130.00
Prepare and file certification of service for Gilbert monthly fee statement (12/21/20)	.2	\$65.00
Review and file Caplin's 25 th monthly fee statement (12/23/20)	.3	\$97.50
Preparation of monthly fee statement (12/23/20)	1.0	\$325.00
Draft certification of service for monthly fee statements (12/28/20)	.2	\$65.00
Prepare and file certification of no objection for Gilbert monthly fee statement (12/30/20)	.3	\$97.50

<u>Description of Services (continued)</u>	<u>Time</u>	<u>Charge</u>
Review order closing case; update Caplin team (12/31/20)	<u>.2</u> 3.5	<u>\$65.00</u> \$1,137.50
Total amount due this invoice		\$1,137.50

DURO DYNE NATIONAL CORP.

**Services and Disbursements Related to Serving as Local Counsel to the
Official Committee of Asbestos Claimants
January 1, 2021 through January 21, 2021**

<u>Description of Services</u>	<u>Time</u>	<u>Charge</u>
Review closing document database folders provided by Debtor's counsel; update Caplin team and make sure they have access (1/4/21)	.2	\$65.00
Draft update to CG of Caplin re: cert of no objection (1/5/21)	.1	\$32.50
Telephone conference with NJ Fund for Client Protection re: whether Gilbert and Caplin <i>pro hac vice</i> admitted attorneys need to pay filing fee and register for 2021 year; update Caplin and Gilbert teams (1/7/21)	.5	\$162.50
Review filing by insurer re: withdrawal of claim; update Caplin team (1/8/21)	.1	\$32.50
Prepare and file certification of no objection for 25 th monthly fee statement (11/11/21)	.3	\$97.50
Prepare and file 26 th monthly fee statement (1/18/21 and other dates)	1.0	\$325.00
Review and file Caplin certification of no objection for 25 th monthly fee statement (1/19/21)	.2	\$65.00
Review and file Caplin 26 th monthly fee statement (1/20/21)	.3	\$97.50
Prepare and final seventh interim and final fee application (1/19/21 and other dates)	2.3	\$747.50
Review and file seventh and final fee application of Gilbert, LLP (1/21/21)	.5	\$162.50

<u>Description of Services (continued)</u>	<u>Time</u>	<u>Charge</u>
Review and file seventh and final fee application of Caplin & Drysdale (1/21/21)	<u>.5</u> 6.0	<u>\$162.50</u> \$1,950.00
Total amount due this invoice		\$1,950.00

EXHIBIT D

THE LAW OFFICE OF JOHN A. FIALCOWITZ, LLC

John A. Fialcowitz
89 Headquarters Plaza
North Suite 1216
Morristown, NJ 07960
Telephone (973) 532-7208
Email: john@fialcowitzlaw.com

Local Counsel for Official Committee of Asbestos Claimants

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

DURO DYNE NATIONAL CORP., *et al.*¹

Debtors.

Chapter 11

Case No. 18-27963 MBK
(jointly administered)

DECLARATION OF JOHN FIALCOWITZ

John A. Fialcowitz hereby declares, pursuant to 28 U.S.C. §1746, as follows:

1. I am the sole member of the Law Office of John A. Fialcowitz, LLC, local counsel to the Official Committee of Asbestos Claimants. I submit this declaration in connection with the Seventh Interim and Final Fee Application of the Law Office of John A. Fialcowitz, LLC for an allowance of fees and reimbursement of expenses (the "Application").

2. In accordance with 18 U.S.C. §155 and the Rules of this Court, I have not entered into any agreement, written or oral, express or implied, with the Debtor, any creditor, or any other

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

party in interest, or any attorney of such person, for the purpose of fixing the amount of any fees or other compensation to be allowed out of or paid from the assets of the Debtors.

3. In accordance with § 504 of the Bankruptcy Code, no agreement or understanding exists between either me or my firm, on the one hand, and any other person, on the other hand, for the division of such compensation as my firm may receive from the Debtors herein, nor will any division of fees prohibited by § 504 of the Bankruptcy Code be made by me, or any other individual on my firm's behalf.

4. I have reviewed the requirements of D.N.J. LBR 2016-3 and the Revised UST Guidelines and certify to the best of my knowledge and belief that this Application substantially complies therewith.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: January 21, 2021

/s/John Fialcowitz

John A. Fialcowitz

EXHIBIT E

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

**THE LAW OFFICE OF
JOHN A. FIALCOWITZ, LLC**
John Fialcowitz (JF-0752)
89 Headquarters Plaza North, Suite 1216
Morristown, New Jersey 07960
973.532.7208
john@fialcowitzlaw.com
*Local Counsel for the
Official Committee of Asbestos Claimants*

In re:

Duro Dyne National Corp., *et al.* ¹

Chapter 11

Case No. 18-27963 (MBK)

Jointly Administered

**ORDER ALLOWING SEVENTH INTERIM AND FINAL APPLICATION OF THE
LAW OFFICE OF JOHN A. FIALCOWITZ, LLC AS LOCAL COUNSEL TO
THE OFFICIAL COMMITTEE OF ASBESTOS CLAIMANTS FOR COMPENSATION
FOR SERVICES RENDERED AND COSTS INCURRED FOR THE PERIOD (I) FROM
AUGUST 1, 2020 THROUGH DECEMBER 31, 2020 AND (II) FROM
SEPTEMBER 26, 2018 THROUGH DECEMBER 31, 2020**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

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Debtor: Duro Dyne National Corp., *et al.*

Case No.: 18-27963 (MBK)

Caption: Order Allowing Seventh Interim and Final Application of the Law Office of John A. Fialcowitz, LLC as Local Counsel to the Official Committee of Asbestos Claimants for Compensation for Services Rendered and Costs Incurred for the Period (i) from August 1, 2020 through December 31, 2020 and (ii) from September 26, 2018 through December 31, 2020

Upon the *Seventh Interim and Final Application of the Law Office of John A. Fialcowitz, LLC as Local Counsel to the Official Committee of Asbestos Claimants for Compensation for Services Rendered and Costs Incurred for (i) the Period from August 1, 2020 through December 31, 2020 and (ii) for the Period from September 26, 2018 through December 31, 2020*; and due and proper notice of the Application having been given; and it appearing that no other or further notice is required; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §157 and §1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey dated September 18, 2012 (Simandle, C.J.); and it appearing that the fees requested in the Application are reasonable and are for necessary services provided to the Committee,

IT IS HEREBY ORDERED THAT:

1. The Application is **GRANTED** as set forth herein.
2. The Law Office of John A. Fialcowitz, LLC is allowed a seventh interim allowance of \$7,897.50 for the period from August 1, 2020 through December 31, 2020.
3. The Law Office of John A. Fialcowitz, LLC is allowed a final allowance of compensation services rendered to the Committee in the sum of \$97,435.00 and reimbursement of costs incurred in the sum of \$3,725.68 for the final period from September 26, 2018 through December 31, 2020.
4. The Debtors are authorized and directed to make payment of the outstanding amount of such sums to the Law Office of John A. Fialcowitz, LLC.

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Debtor: Duro Dyne National Corp., *et al.*

Case No.: 18-27963 (MBK)

Caption: Order Allowing Seventh Interim and Final Application of the Law Office of John A. Fialcowitz, LLC as Local Counsel to the Official Committee of Asbestos Claimants for Compensation for Services Rendered and Costs Incurred for the Period (i) from August 1, 2020 through December 31, 2020 and (ii) from September 26, 2018 through December 31, 2020

5. This Court shall retain jurisdiction to hear any and all matters arising from or related to the implementation and/or interpretation of this Order.